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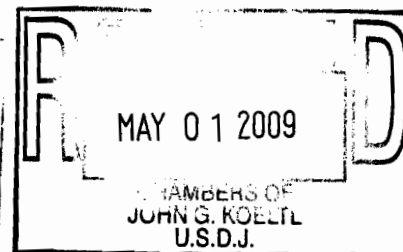
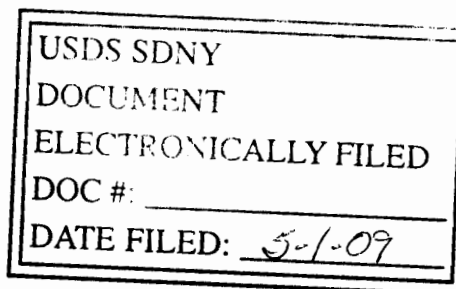
Hon. John G. Koeltl

United States District Judge

United States Courthouse

500 Pearl Street, Room 1030

New York, New York 10007-1312



Re: **FIGUEROA V. NEW YORK CITY DEPARTMENT OF SANITATION**
05 CIV. 9594 (JGK)(DCF)

Dear Judge Koeltl:

Based upon Marilyn Figueroa's April 27, 2009 *ex parte* letter to the Court, I have no choice but to renew my application to withdraw as Mrs. Figueroa's counsel. In this letter, I will not address the factual inaccuracies in Mrs. Figueroa's letter.

Mrs. Figueroa's letter suggests that she has differences with me that would support my dismissal. Therefore, I ask that the Court relieve me as counsel in this matter, and give Mrs. Figueroa a reasonable time to retain counsel or choose to proceed *pro se*. (However, I do not accept Mrs. Figueroa's suggestion that I return her retainer fee; among other things, I have expended nearly \$60,000 in uncompensated time in her matter, and placed her case in a position very favorable to her.)

If Your Honor does not wish to relieve me as counsel without a formal motion, I suggest the following briefing schedule: my motion to withdraw shall be served by May 8; Mrs. Figueroa's opposition must be served by May 15; and my reply, if any, must be served by May 20.

I am truly regretful that we have reached this point.

Respectfully submitted,

David M. Fish (7696)

DMF:

cc: Marilyn Figueroa (by fax 845-724-7033)

Eamonn F. Foley, Esq. (by fax 212-788-8877)

The Plaintiff's Counsel should serve to withdraw by May 8, 2009, including any argument that no return of any fees is warranted. The Plaintiff's Counsel should respond by May 15, 2009. The Plaintiff's Counsel may reply by May 20, 2009. Any portions of papers enclosing confidential materials can be filed under seal and need not be served or otherwise Counsel. SO ordered. 5/1/09 457.5